

Todd E. Zenger (5238)
Dax D. Anderson (10168)
KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Phone: (801) 328-3600
Fax: (801) 321-4893
Email: tzenger@kmclaw.com
Email: danderson@kmclaw.com

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

KLEIN-BECKER USA, LLC, a Limited Liability
Company, and KLEIN-BECKER IP HOLDINGS,
LLC, a Nevada Limited Liability Company,

Plaintiffs,

vs.

COLLAGEN CORPORATION; DOCTORS SKIN
CARE INSTITUTE MEDICAL CLINIC, INC.; and
LESLIE FEINSTEIN *aka* L. LOUISE BRODY *aka*
LOUISE BRODY FEINSTEIN *aka* LOUISE LESLIE
FEINSTEIN,

Defendants.

Civil Action No. 2:07-CV-00873 TS

Judge Ted Stewart

**Defendants' Opposition
To
Plaintiffs' motion to compel**

Defendants submit¹ this memorandum in opposition to Plaintiffs' motion to compel.

BACKGROUND

Based upon Defendant's discovery responses, Defendants are small two person operations and have derived no profit from sales in the product packaging at issue in this case.

¹ Plaintiffs granted Defendants an extension of time in which to respond up through July 3, 2008.

Defendants have now served discovery responses.

Plaintiffs have sufficient time remaining during discovery and pretrial to adequately prepare it case without any prejudice.

ARGUMENT

The undersigned timely forwarded Plaintiffs' discovery requests to Defendants. However, for some unknown reason, the undersigned did not receive authorization to participate in preparing discovery responses until June 26, 2008. Substantive responses have now been prepared and served on Plaintiffs.

Plaintiffs' trial preparation is not prejudiced. Both discovery and other scheduled pretrial matters are still open and ahead in this case.

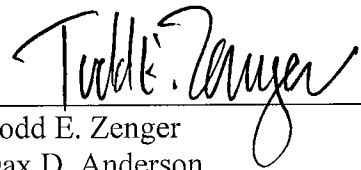
Because substantive responses have been provided, and because there is no substantive prejudice to Plaintiffs, Defendants request the Court to forgive this inattention of Defendants.

CONCLUSION

This Court has the discretion to deny the motion and any request for fees. Because Defendants have provided discovery responses, Plaintiffs' motion to compel should be denied. The Defendants request that the Court recognize that Defendants have responded and deny any award of fees or costs.

DATED this 3rd day of July, 2008.

KIRTON & McCONKIE

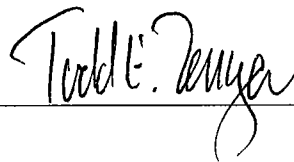
By: 
Todd E. Zenger
Dax D. Anderson

Attorneys Defendants
COLLAGEN CORPORATION, ET AL.

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of July, 2008, the foregoing **Defendants' Opposition To Plaintiffs' motion to compel** was electronically filed with the Clerk of the Court, District of Utah, using the CM/ECF system, which sent notification of such filing to the following:

Brent V. Manning
Chad R. Derum
MANING CURTIS BRADSHAW & BEDNAR, LLC
Third Floor Newhouse Bulding
10 Exchange Place
Salt Lake City, Utah 84111



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